

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR FEBRUARY 18, 2004

- A. OPENING BUSINESS
- B. PUBLIC HEARING - 2004 COMPREHENSIVE PLAN AMENDMENT FINAL DOCKET
- C. PUBLIC HEARING - MLA04-26, JEFFERSON COUNTY, UDC AMENDMENTS RELATED TO DEVELOPMENT REGULATIONS ASSOCIATED WITH AGRICULTURAL ACTIVITIES
- D. ADJOURNMENT

**A. OPENING BUSINESS**

The regular meeting was called to order at the WSU Learning Center at 6:30 p.m. by Vice Chair Eileen Rogers. Planning Commission members present were Phil Flynn, Edel Sokol, Jenny Davis, Robert Morgan, Dennis Schultz, and Tom Murray. David Whipple arrived at 6:45 p.m. Tom McNerney was excused.

DCD staff present were Randy Kline, Josh Peters, Karen Driscoll, and Cheryl Halvorson, secretary.

There were about seventeen members of the public present. Those who signed the guest list were Larry Crockett, Eric Toews, Steve Martin, David Smith, Herb Beck, Michael Cavett, Ande Grahn, Dale and Lisa Wilde, Chas Wineland, Diane Johnson, K. C. Ackerman, and D. Ackerman.

The minutes for January 21, 2004, were approved with a correction on Page 6 concerning wetland treatment. The minutes for February 4, 2004, were approved as submitted.

Eileen Rogers invited staff updates.

Josh Peters reported on the status of the appeals for the Brinnon Subarea Plan, the Fred Hill Materials MRL Overlay SEPA analysis, and the seawater intrusion compliance. Randy Kline reported on the status of the appeal of the UGA in Port Hadlock and Irondale.

Randy Kline expressed his thanks to the Planning Commissioners and expressed how much he had enjoyed working with the Planning Commission. He reported on his move to the City of Poulsbo.

**B. PUBLIC HEARING - 2004 COMPREHENSIVE PLAN AMENDMENT FINAL DOCKET**

Eileen Rogers invited a staff report on each of the five suggested Comp Plan amendments on the Preliminary Docket. Josh Peters provided a summary of the five applications. MLA03-232 submitted by the Port of Port Townsend concerned the airport and was carried over from the 2003 amendment cycle. MLA03-244 submitted by People for a Rural Quimper [PRQ] also concerned the airport and was also carried over from the 2003 amendment cycle. MLA04-27 submitted by Jefferson County concerned land use map amendments related to agricultural lands. MLA04-28 submitted by Jefferson County concerned the 2004 GMA Comp Plan and UDC update. And MLA04-29 submitted by Jefferson County concerned continuing work on the Irondale/Hadlock UGA.

Eileen Rogers asked for a short presentation from the secretary concerning conflict of interest and appearance of fairness as those doctrines related to these amendments. The secretary reported that these five Comp Plan amendments were legislative matters. As such, the appearance of fairness doctrine of the Open Public Meetings Act did not apply. However, if a Planning Commissioner decided there may be some issue from the public's perspective with their participation, they had some choices: (1) they could completely recuse themselves from a topic; (2) they could participate in discussions but abstain from voting on a topic; or (3) they could fully participate. However, the commissioner should be consistent throughout the process. It would be strictly voluntary on the part of the commissioner, because under the law, they could fully participate.

Edel Sokol stated that her husband was a Port Commissioner and she had recused herself from the airport issue in the past. Therefore, she would recuse herself again in this instance. It was agreed that although she would not participate, she would not need to leave the room during discussions and voting.

Eileen Rogers opened the public hearing by explaining the hearing procedure. She then opened the hearing to public testimony on the first proposed Comp Plan amendment, **MLA03-232 submitted by the Port of Port Townsend.**

Eric Toews, Cascadia Community Planning Services, stated that he was representing the Port of Port Townsend. He stated that the Port urged the Planning Commission to recommend to the BOCC that this suggested amendment application be placed on the Final Docket for review during the 2004 amendment cycle. They believed the proposal satisfied the docketing criteria in the UDC. They believed the proposal was necessary to ensure compliance with both the letter, spirit and intent of the original 1998 Comp Plan policies regarding adoption of appropriate protections for the Jefferson County International Airport [JCIA] essential public facility and also to ensure consistency with the GMA requirements regarding the preclusion of incompatible uses in proximity to general aviation airports and also consistent with the essential public facility requirements of the statute. Mr. Toews stated that placement of the proposed amendments on the Final Docket was also consistent with BOCC Resolution #91-03 as well as the Settlement Agreement entered into between the Port of Port Townsend and Jefferson County. He stated that the Port recognized that placement of the proposal on the Final Docket for review this year did not presume a specific outcome. Nevertheless, the county had committed to adopting protections regarding JCIA that would be both fully consistent with state law as well as its own adopted policies.

There was no other public testimony on MLA03-232 at this time.

Eileen Rogers moved the hearing on to **MLA03-244 submitted by People for a Rural Quimper [PRQ]** and invited public testimony.

The secretary noted that a letter from the Port of Port Townsend concerning the airport issue, and specifically mentioning this proposed amendment, had been handed out to the commissioners.

Ande Grahn, Olympic Peninsula Planning, stated that she represented PRQ. She asked for and received a copy of the Port's letter. She stated that, while she had not had an opportunity to read the Port's comments on their amendment application, representatives of PRQ had met with the BOCC in December, 2003. The BOCC had said at that time that the issue would come back before the Planning Commission in 2004 and that the Planning Commission would hold a public hearing, which would allow their group to explain why they brought the proposal to the county in the first place. Ms. Grahn stated that the proposed amendment was consistent with the requirements of the UDC last year and was properly docketed. She stated that they had not revised their application. Ms. Grahn stated that they appreciated the work the Port had done on their amendment and looked forward to the Planning Commission review and the BOCC's review of that amendment [the Port's], which may make their amendment unnecessary. However, in the meantime, PRQ would like to keep their amendment proposal proceeding through the process. Ms. Grahn commented that she may wish to make additional testimony after reviewing the Port's

letter. Eileen Rogers stated that there would be another opportunity before the hearing was closed.

There was no other public testimony received on this amendment.

Eileen Rogers opened the hearing to public testimony on **MLA04-27 submitted by Jefferson County** (land use map amendments related to Ag Lands). Josh Peters clarified that this was a placeholder amendment for consideration of a set of parcels for potential Agriculture Land zoning. Later in this meeting there would be another public hearing related to proposed development regulations for agricultural activities and associated uses. There was no public testimony received.

Eileen Rogers opened the hearing to public testimony on **MLA04-28 submitted by Jefferson County** (2004 GMA Comp Plan and UDC update). There was none received.

Eileen Rogers opened the hearing to public testimony on **MLA04-29 submitted by Jefferson County** (Irondale/Hadlock UGA). There was none received.

Eileen Rogers provided one last opportunity for public testimony on the docketing of any of the five proposed Comp Plan amendments.

Ande Grahn referred to the Port's letter, stating that it appeared that the crux of the Port's argument was that the Settlement Agreement in some way superceded this Comp Plan amendment process. She wished to remind the commission that this [PRQ's] was a citizen initiated amendment. It requested a change in the Comp Plan such that in the future if the county needed to make a new Settlement Agreement with the Port, perhaps they had different direction because they understood that conditions had changed and they would work with this issue. Ms. Grahn stated that her concern was that they entered in good faith into a process with the BOCC. They agreed not to have a hearing last year on their properly docketed amendment because they had been told their amendment would be docketed this year. She stated that the public still needed to be heard on why they had brought this amendment forward [MLA03-244].

There being no further public testimony offered, Eileen Rogers closed the public hearing. She then opened the floor to discussion or motions by the Planning Commission. There was a short discussion about waiting until the next meeting to hold discussion and to make a recommendation. It was pointed out that the process at this time was merely to recommend, or not recommend, docketing. Eileen Rogers stated that the objective was for the Planning Commission to make its recommendations concerning docketing at this meeting.

Phil Flynn moved that the Planning Commission recommend docketing MLA03-232 (Port of Port Townsend). Dennis Schultz seconded the motion. There being no discussion, the motion carried with seven in favor, none opposed, and one abstention.

Eileen Rogers opened the floor to discussion or a motion regarding MLA03-244 (PRQ). David Whipple stated that it seemed that the docketing question hinged in whether the application was submitted appropriately and met the basic requirements of being submitted, and that there was no gross mis-application of logic or legal precedence, and that it promoted a public discussion and possible improvement of the Comp Plan. Mr. Whipple stated that, based on those criteria, he thought it merited going forward.

David Whipple moved that the Planning Commission recommend moving MLA03-244 forward to the 2004 Final Docket. Robert Morgan seconded the motion.

David Whipple stated that it seemed to him that it met the basic criteria for docketing an amendment. He thought the basic point was to discuss the items through bringing them forward. He pointed out that the county seemed to have a pretty poor history of docketing citizen generated amendments, and this could be an opportunity to begin a different pattern and to promote citizens feeling comfortable bringing amendments forward. He thought, at the very least, it would promote the discussion of the general topic.

Robert Morgan agreed with Mr. Whipple, stating that recently the commission had tried to focus more on citizen outreach to encourage citizen participation in this process.

Phil Flynn stated that he thought the Port had adapted its application to many of the concerns raised by PRQ. However, he was not against forwarding this application to the Final Docket.

Jenny Davis stated that the commission had just received the Port's letter and she had not had time to read it, although she saw that it contained several references to the PRQ amendment. She expressed a concern with making a recommendation when she had not had time to study the Port's letter.

David Whipple stated that this was just the beginning of the process. It basically just let an idea "get in the front door". It did not mean it would succeed. He stated that the commission would get a lot more information during the process and they would go through other iterations before final adoption. He stated that this was just where the discussion started.

There being no further discussion, the motion carried with seven in favor, none opposed, and one abstention.

Eileen Rogers invited discussion or a motion on MLA04-27 (Jefferson County land use map amendments related to Ag Lands).

Dennis Schultz moved that the Planning Commission recommend forwarding MLA04-27 to the Final Docket. Jenny Davis seconded the motion.

Dennis Schultz stated that this amendment was based upon the 2003 Comp Plan amendment which modified the Ag Lands zoning designation criteria. He stated that it was all dependent upon completing and adopting the UDC amendments under MLA04-26. Therefore, this amendment was a place holder. After adoption of the UDC amendments, people would have a window of opportunity to apply for Ag Lands zoning.

There being no further discussion, the motion carried unanimously (8-0-0).

Eileen Rogers invited discussion or a motion on MLA04-28 (Jefferson County 2004 GMA Comp Plan and UDC update).

Robert Morgan moved that the Planning Commission recommend forwarding MLA04-28 to the Final Docket. Phil Flynn seconded the motion. There being no discussion, the motion carried unanimously (8-0-0).

Eileen Rogers invited discussion or a motion on MLA04-29 (Jefferson County continued work on the Irondale/Hadlock UGA).

Robert Morgan moved that the Planning Commission recommend forwarding MLA04-29 to the Final Docket. Phil Flynn seconded the motion. There being no discussion, the motion carried unanimously (8-0-0).

**C. PUBLIC HEARING - MLA04-26, JEFFERSON COUNTY, UDC AMENDMENTS RELATED TO DEVELOPMENT REGULATIONS ASSOCIATED WITH AGRICULTURAL ACTIVITIES**

Eileen Rogers opened the public hearing by inviting a staff presentation.

Josh Peters stated that MLA04-26 was a package of proposed UDC amendments related to agricultural and associated activities. He stated that the package was developed by staff under the guidance of the Planning Commission Agricultural Lands Committee. He asked Karen Driscoll to provide the staff summary of the proposal.

Karen Driscoll reviewed the process to date, which included a Comp Plan amendment in 2003. That Comp Plan amendment necessitated a corresponding UDC amendment. That was the subject of this hearing. She described the process leading to this proposed UDC amendment. The next step would be another Comp Plan amendment during the 2004 amendment cycle to rezone applicable lands to the appropriate Ag Lands District zoning.

Karen Driscoll described the issues the Planning Commission Ag Lands Committee discussed during their deliberations. It was agreed that some agricultural activities should be allowed as a matter of right. She provided some examples.

Karen Driscoll described the current UDC process, which would require a permit for a "Yes" use. She stated that this UDC amendment would allow a farmer to do some activities as a matter of right without requiring a county permit. She noted that other federal, state, and county laws, including state health laws and county parking requirements, would still need to be complied with, however. Ms. Driscoll stated that some other uses that may be more intensive would still require a county permit.

Karen Driscoll reviewed a summary document of the proposed UDC amendments. It listed several new uses that would be allowed, some as a matter of right and some as a conditional use.

Eileen Rogers opened the hearing to public testimony.

Herb Beck, Quilcene, stated that under the old UDC and during the time the UDC was being developed, the only thing he could have on his farm property was a recreational trail. He could not have duck hunting or fishing. Mr. Beck stated that agriculture in the county had changed. Now it was important for farmers to be able to do other things to help subsidize their ag business. He thought the agri-tourism provisions, with the RV provisions, were a good addition. He thought it could be done similar to a bed and breakfast concept. He thought repair of farm equipment was a good addition. He thought that allowing a farmer to do retail sales of hay, for example, was a good addition. Also allowing the sale of products processed on the farm was a good addition. Mr. Beck stated that his main interest was to be able to allow RV camping on his farm. He stated that it was a good way to subsidize his farm activity. Mr. Beck stated that the problem was that, if

we did not allow some other farm related activities, the land would not stay in agriculture and would be split up for residential housing. He stated that he had been on the Agriculture Open Space tax board since 1972. He stated that there had been a lot of properties put into that tax status. However, now he was seeing a lot of those places starting to go. Mr. Beck stated the opinion that the proposal would certainly help the agriculture community. He complimented the Planning Commission committee for their work on the proposal. He stated that he had not been able to read the actual proposal, but from what he had seen and heard, it was a good step.

Dan Ackerman, Brinnon, asked who he would contact if he had a specific use in mind for current agriculture property. Josh Peters replied that this proposal was posted on the county web site and was available in hard copy for purchase. He stated that Mr. Ackerman could contact the DCD with his specific questions.

It was pointed out that this time was to take testimony rather than to ask questions or get into a dialog. Any questions were to be directed to the chair who would refer them to staff. Eileen Rogers asked staff to provide the county web site address. Josh Peters did so.

Fred Beck, Quilcene, stated that he understood that the proposal would allow repair of farm equipment and processing of a farm product on the ag land. He stated that something he had not heard was retail sales of farm equipment or any kind of agricultural equipment or products. He asked for clarification on that question. Eileen Rogers stated that Mr. Beck could ask staff about it during the break.

Diane Johnson, Port Hadlock, stated the opinion that this process was exciting and was the best example she had seen in a long time of democracy in action. She referred to the Comp Plan amendment process in 2003 and the responsiveness of the county to concerns raised by the farming community. She stated that it felt very supportive of people who were trying to make a living through agriculture.

Chas Wineland, Chimacum, stated that he knew of other counties where neighbors moved in and not long thereafter the farms were shut down. He cited a farm in Carnation as an example. He stated that he liked what he heard.

Herb Beck stated that Mr. Wineland raised a very good point. He cited the example of a neighbor living next to a farm where there was a strong odor, as sometimes happened on a farm. He stated that the neighbor had to buy air purifiers for his house at about \$1500. He stated that was the kind of incompatible uses we should watch out for. Mr. Beck stated that he was especially interested in seeing some language that pertained to the RV camping provisions for the farm. He indicated that many RVers had self-contained vehicles and would not require a lot of amenities for a farm stay.

There being no further public testimony, Eileen Rogers closed the public hearing. She stated that the Planning Commission would take a short break and then begin its discussion.

After the break, Eileen Rogers noted that the Planning Commission had just received a comment letter at this meeting from DCTED. She stated that staff thought there may have been some additional comment received at the DCD

office late this date. She suggested that the Planning Commission begin its discussion but not make a recommendation at this time.

Phil Flynn asked if staff had heard anything from the public that was new. Karen Driscoll responded that one thing she had heard concerned the RV camping. Ms. Driscoll stated that the proposal would allow RV camping under a conditional use permit but there were no standards included. She suggested the commission may want to consider that issue. Another issue was retail sales. Josh Peters stated that the UDC addressed RV parks in the Small Scale Recreation and Tourist Use section, although that may not be as casual as Mr. Beck was suggesting. Mr. Peters stated that the whole concept of inviting people onto the land to hunt for game, for example, may be more appropriately addressed under the UDC Omnibus proposal. He did not think it would necessarily be limited to just agriculture land. It could be done in forest land as well. David Whipple stated that Bucks County, Pennsylvania, had a large hunting use on farms. It was also pointed out that Eastern Washington had a fairly large bird hunting use on farms. Mr. Whipple thought it was a fairly significant economic generator in some areas. Some issues to consider were RV hookups and dump stations and whether it would be limited to the hunting season. Dennis Schultz suggested the commission should look at the idea.

The commissioners discussed retail and wholesale sales from a farm, other than agriculture products from a farm stand. Josh Peters stated that Page B-14 addressed repair of farm equipment and sales. He thought that might be the section the Planning Commission would want to amend. A concern was that the use could grow into a large retail distributorship. David Whipple stated that the cottage industry section addressed the issue and we may want to reference that section in the ag section. Robert Morgan stated that it could be an opportunity for a mechanically talented farmer to augment his farm income. Tom Murray stated that it was impossible to address every use that someone might want to do. Mr. Murray stated that there should be a process to deal with those uses that were not specifically cited in the code. Mr. Peters stated that there was an "Un-named Use" provision in the proposal. Mr. Peters stated that the two limitations in the current proposal were (1) that it was incidental construction or repair and (2) that it must be limited to agricultural equipment. He stated that the intent was that it would be accessory to the farming activity. Mr. Morgan stated that the section did not address sales. Karen Driscoll commented that "sales" could be added if the Planning Commission wished. Jenny Davis stated that Mr. Beck had referred to the sales partially in the context of the farm stand topic. She stated that the farm stand provisions were related to products produced on the farm. Ms. Davis stated that Mr. Beck's suggestion was a totally separate issue.

Edel Sokol suggested adding hunting to the fishing section in the RV Park section. Karen Driscoll stated that hunting was mentioned in the amendment. Some commissioners suggested that the uses could be more broadly defined than just hunting and fishing, i.e. horseback riding or other forms of recreation. Ms. Driscoll suggested changing it to read "... recreation, hunting or fishing." Josh Peters stated that it would be mentioned as an activity allowed in ag lands but it would not necessarily be related to the ag lands function. It would not be allowed as a matter of right. Mr. Peters noted that the proposed language referenced the Small Scale Recreation and Tourist Uses section, which held the regulations for such uses. It also required that the activity should not prohibit the use of prime agriculture soils for agriculture.

Regarding the hunting issue, Jenny Davis asked if we would add hunting as a use for people who had one to five acres of land on which they were farming. Josh Peters responded that the current proposal would require a permit approval. He suggested that it may be more appropriate to address the hunting issue under the UDC Omnibus proposal. Ms. Davis stated that she was uncomfortable with adding hunting when someone may have only one acre. It was pointed out that hunting was allowed anywhere in the county with the exception of no hunting zones.

Phil Flynn expressed some concern about the farm labor housing. Eileen Rogers stated that there was a state law mandating housing for temporary farm laborers. She asked that staff provide a copy of that law for the commission's consideration. Mr. Flynn stated that his concern was that the housing not be turned into permanent rentals rather than being only for the transient farm laborers. Dennis Schultz stated that the state and federal standards for farm labor housing were not compatible. Karen Driscoll stated that she was aware of the state standards for the housing, but she was unaware that there was a state law requiring the farmer to provide housing. Josh Peters stated that staff would look into it, adding that staff had researched the issue before for the Ag Lands Committee. While it was not a huge issue in this county, it was something that should be clarified.

David Whipple suggested that one way to address the housing issue would be to not allow the farmer to receive rental income for the housing. Karen Driscoll stated that the issue became how you would know the farmer was not getting paid. She stated that a suggestion she had made to the committee was that the farmer would have to renew his permit every year and there would be an inspection. Mr. Whipple suggested that one way to do it would be to inspect the farmer's payroll records to see if someone from each farm labor house was actually working for the farmer. Ms. Driscoll stated that, given the current enforcement challenge in the county, how far you would go into someone's personal finances was an issue. Josh Peters stated that the current proposal talked about a covenant that would be recorded on the property title saying that the housing would be for the exclusive use of the farm laborers. He noted that there were provisions for lifting that covenant from the title. Ms. Driscoll provided an example of a situation where the farm labor housing may be changed in the future to some other use if the farm use stopped. It might be changed to a recreational use with transient housing.

Edel Sokol asked if staff had received specific requests for farm labor housing. Karen Driscoll described the examples that had been proposed to her from local farmers with different uses. She also cited the example of the Sequim lavender farms and how successful they were becoming. She stated that at certain times of the year they needed a fairly substantial labor force. She stated that if this county got into some similar crop, we would need housing for those laborers, especially during the harvest time.

Eileen Rogers stated that the Planning Commission would need to make its recommendation on the Ag Lands UDC proposal at the next meeting. Therefore, she thought the commission should consider the areas that were of concern before the next meeting.

Josh Peters stated that he could go over a couple of points in the DCTED letter if the commission wished. Mr. Peters stated that he had had a conversation with the Washington Environmental Council's representative

concerning this proposal. He noted that WEC had been the original petitioner on an appeal of the UDC which had started this whole ag lands discussion. Mr. Peters stated that the WEC representative had indicated that they would submit a comment letter. That was why he had said there might be another comment letter that had been received late this date. Mr. Peters reported that there had been an article about the ag lands proposal in this date's newspaper.

David Whipple stated that he had proposed a suggestion about allowing experiential residential treatment facilities in the ag lands districts as a conditional use. He asked if staff had considered it. Josh Peters stated that staff thought it could apply on Page B-20, probably as another subsection. Mr. Peters suggested that Mr. Whipple provide some language to staff. Mr. Whipple stated that the ag use would be secondary to the experiential residential treatment facility, but the farming function would be critical to the use. The farming would be the mechanism for the treatment but the farm income would be secondary. Mr. Whipple stated that the concept would be to promote a business opportunity that used agriculture, but that also had a whole other mechanism of generating income. Karen Driscoll understood that the farming function was critical to the treatment, but it was not necessarily the primary business. She pointed out that in other places in the proposal, the uses were ancillary to the farming function. Dennis Schultz stated that, while he was not opposed to the suggestion, his question was whether the use could be done just as well in a Rural Residential area rather than on a farm. He stated that you could still farm in the Rural Residential districts. Mr. Whipple agreed that you could do the use in a lot of different places. Mr. Whipple stated that his thought was that it would not necessarily be something to exclude from the ag lands either. It may be a preferable use to turning the farm land into a subdivision. Mr. Peters stated that it may be more appropriate to consider the use in broader terms. He stated that there was a use called "Inpatient Substance Abuse and Mental Health Facilities" under the essential public facilities section. Mr. Peters stated that "schools" was the only use listed under the Ag Lands section. He thought it may be appropriate to add a line in the Omnibus UDC package to address Mr. Whipple's suggestion and deal with it in every land use district. In the meantime, we could deal with it in the Ag Lands proposal as well. Mr. Whipple stated that if we included the use in the Ag Lands proposal, it would start that broader consideration in motion. He agreed that it should be a use that could be done anywhere. Ms. Driscoll stated that staff would draft some language for the proposal.

#### **D. ADJOURNMENT**

The secretary noted that she had handed out 3-ring binders for the Planning Commissioners to use for their copies of the Comp Plan amendments.

Dennis Schultz asked about the UDC Review Committee starting work. Josh Peters discussed a suggested meeting time, stating that the DCD conference room was available on Monday afternoons. Edel Sokol was unsure that Monday afternoons would work for her. No start date or regularly scheduled meeting times were finalized.

Tom Murray asked about the staffing for the Comp Plan update. Josh Peters stated that Kyle Alm had been hired under a state grant to do that work and would probably be the contact person for the Planning Commission committee. Mr. Peters stated that Mr. Alm was hired to do the update related to the state requirements, which was probably different from what the Comp Plan

Review Committee intended. Edel Sokol commented that it did not appear that the Comp Plan Review Committee would have a staff person who would do the actual revisions the committee suggested. Ms. Sokol and Mr. Peters discussed computer access to the Comp Plan by the committee members for word processing purposes.

Josh Peters stated that Kyle Alm would probably become the contact person for the UGA planning as well. He reported that Mark Personius, consultant for the development regulations, would probably take a greater role in the UGA planning as well, but he was not a local contact.

The meeting was adjourned at 8:40 p.m.

**E. APPROVAL OF MINUTES**

These minutes were approved this \_\_\_\_\_ day of March, 2004.

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Eileen Rogers, Vice Chair

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Cheryl Halvorson, Secretary